

Dena C. Sharp (State Bar No. 245869)
Adam E. Polk (State Bar No. 273000)
Nina R. Gliozzo (State Bar No. 333569)
GIRARD SHARP LLP
601 California Street, Suite 1400
San Francisco, CA 94108
Tel: (415) 981-4800
Fax: (415) 981-4846
dsharp@girardsharp.com
apolk@girardsharp.com
ngliozzo@girardsharp.com

Amy M. Zeman (State Bar No. 273100)
Geoffrey A. Munroe (State Bar No. 228590)
GIBBS LAW GROUP LLP
1111 Broadway, Suite 2100
Oakland, CA 94607
Tel: (510) 350-9700
Fax: (510) 350-9701
amz@classlawgroup.com
gam@classlawgroup.com

Counsel for Plaintiffs

[Additional Counsel on Signature Page]

John J. Duffy (SB No. 6224834)
SWANSON, MARTIN & BELL, LLP
330 N Wabash, Suite 3300
Chicago, Illinois 60611
Tel: (312) 321-9100
Fax: (312) 321-0990
jduffy@smbtrials.com
kringel@smbtrials.com
mredshaw@smbtrials.com

Marc G. Cowden (SB No. 169391)
Adam Stoddard (SB No. 272691)
ZENERE, COWDEN & STODDARD APC
2005 De La Cruz Blvd., Suite 240
Santa Clara, California 95050
Tel: (408) 288-9700
Fax: (408) 295-9900
mcowden@zcsllawfirm.com
astoddard@zcsllawfirm.com

Counsel for Defendant Chart Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE PACIFIC FERTILITY CENTER
LITIGATION

This Document Relates to:
No. 3:18-cv-01586
(A.B., C.D., E.F., G.H., and I.J.)

Master Case No. 3:18-cv-01586-JSC

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO EXONERATE BOND**

Judge: Hon. Jacqueline Scott Corley

STIPULATION TO RELEASE BOND AND EXONERATE SURETY

The parties, through their respective counsel, stipulate as follows:

This Court entered a judgment against Chart on August 13, 2021 (ECF No. 902). Chart filed a notice of appeal (ECF No. 1005). Chart provided a bond to stay enforcement of judgment pending appeal. The parties stipulated their approval of Chart's bond (ECF No. 933), and this Court approved the bond (ECF No. 935).

Chart's bond secured Plaintiffs' interest in their money judgment while Chart's appeal was pending. *See Rachel v. Banana Republic, Inc.*, 831 F.2d 1503, 1505 n.1 (9th Cir. 1987). But the appeal is no longer pending. After the parties settled their dispute and Plaintiffs released Chart, the Ninth Circuit ordered the appeal dismissed (9th Cir. ECF No. 53).

Because there is no money judgment to secure, and no further proceedings remain in the Ninth Circuit, Chart's bond no longer serves any purpose. The parties agree that it may be released forthwith and the surety's obligation may be exonerated.

Accordingly, we request that the Court now order that bond number 57BSBIH5817 issued by surety Hartford Fire Insurance Company is released and the surety is exonerated from all liability under that bond as of the date of this Court's order.

[signatures on next pages]

1 **IT IS SO STIPULATED.**

2
3
4 Dated: July 31, 2023

By: /s/ John J. Duffy

John J. Duffy (SB No. 6224834)
SWANSON, MARTIN & BELL, LLP
330 N Wabash, Suite 3300
Chicago, Illinois 60611
Tel: (312) 321-9100
Fax: (312) 321-0990
jduffy@smbtrials.com

Marc G. Cowden (SB No. 169391)
Adam Stoddard (SB No. 272691)
ZENERE, COWDEN & STODDARD APC
2005 De La Cruz Blvd., Suite 240
Santa Clara, California 95050
Tel: (408) 288-9700
Fax: (408) 295-9900
mcowden@zcslawfirm.com
astoddard@zcslawfirm.com

Counsel for Defendant Chart Inc.

1 Dated: July 31, 2023

By: /s/ Amy M. Zeman

Amy M. Zeman (State Bar No. 273100)

Geoffrey A. Munroe (State Bar No. 228590)

GIBBS LAW GROUP LLP

1111 Broadway, Suite 2100

Oakland, CA 94607

Tel: (510) 350-9700

Fax: (510) 350-9701

amz@classlawgroup.com

gam@classlawgroup.com

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GIRARD SHARP LLP

601 California Street, Suite 1400

San Francisco, CA 94108

Tel: (415) 981-4800

Fax: (415) 981-4846

dsharp@girardsharp.com

apolk@girardsharp.com

ngliozzo@girardsharp.com

Adam B. Wolf (State Bar No. 215914)

PEIFFER WOLF CARR KANE

CONWAY & WISE

4 Embarcadero Center, Suite 1400

San Francisco, CA 94111

Tel: (415) 766-3545

Fax: (415) 402-0058

awolf@peifferwolf.com

Plaintiffs' Counsel

~~PROPOSED~~ ORDER

For good cause shown, surety Hartford Fire Insurance Company is exonerated and bond number 57BSBIH5817 is hereby released.

IT IS SO ORDERED.

Dated: August 1, 2023



Honorable Jacqueline S. Corley
UNITED STATES DISTRICT JUDGE